

SB302 Guardianship Workgroup
Meeting #2 Agenda
June 9, 2022 2:30 p.m. – 4:30 p.m.

I. Introduction (2:30 p.m. -2:45 p.m.)

Call roll

Present and review minutes from May 23rd SB302 Workgroup Meeting #1

II. Discussion (2:45 p.m. - 4:20 p.m.)

Part 1: Problem Framing (2:45 p.m. - 3:20 p.m.)

Continue to define the scope of the issues the workgroup will consider starting with the following items identified in the first meeting:

- Cost of legal counsel prevents some parents from obtaining guardianship
- Lack of education for stakeholders on alternatives to guardianship (including parents, individuals with intellectual and developmental disabilities, guardian ad litem, attorneys representing petitioners, judges, medical evaluators, financial managers)
- Lack of clear legal guidance for parents who do not have legal immigration status seeking to obtain guardianship for their child who has legal status
- Language barriers limit parents' ability to seek legal counsel and access educational materials on the guardianship process and alternatives to guardianship
- Parents lack support for long term care planning for their child after they become unable to serve as their guardian
- Barriers to exiting guardianship such as the lack of a review process for private guardianship and the lack of publicly funded legal counsel for individuals seeking to terminate their guardianship
- Lack of a standard set of medical criteria for establishing capacity

Part 2: Draft Recommendations (3:20 p.m. - 4:20 p.m.)

Begin to outline recommendations to address the problems identified in part 1

- Expand availability of educational materials on the guardianship process and alternatives to guardianship for all stakeholders
- Establish a review process for private guardianships
- Establish clear and uniform medical criteria for incapacity evaluations

- Require that individuals be evaluated for capacity while utilizing supported decision making services

III. Review Work Group Timeline (4:20 p.m. to 4:30 p.m.)

- June 22, 2022 11:00 a.m. – 1:00 p.m. (Selection of Recommendations)
- ~~July 21, 2022 12:30 p.m. – 2:30 p.m.~~
- *August 18, 2022 2:30 p.m. 4:30 p.m. (Report Draft Approval)
- Report Due to General Assembly November 1, 2022

IV. Adjournment (4:30 PM)

Participating Organizations

Department of Aging and Rehabilitative Services
 Department of Behavioral Health and Developmental Services
 disAbility Law Center of Virginia
 Department of Medical Assistance Services
 Department of Social Services (DSS)
 Joint Legislative Audit and Review Commission
 Office of the Executive Secretary of the Supreme Court of Virginia

Parent Education Advisory Training Center
 The Arc of Virginia
 The Virginia Association of Community Service Boards (VACSB)
 Virginia Academy of Elder Law Attorneys
 Virginia Association of Centers for Independent Living
 Virginia Board for People with Disabilities
 Virginia Network of Private Providers
 Virginia Poverty Law Center

